



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

January 26, 2001

Kirk Jowers, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MURs 4935 and 5057
Manny Weiss

Dear Mr. Jowers:

On January 23, 2001, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act") and the Commission's regulations. Accordingly, the file has been closed in this matter as it pertains to Mr. Weiss.

This matter will become public within 30 days after it has been closed with respect to all other respondents involved. Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Angela Whitehead Quigley".

Angela Whitehead Quigley
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Manny Weiss

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MURs 4935 and 5057

CONCILIATION AGREEMENT

Matter Under Review ("MUR") 4935 was initiated by a signed, sworn, and notarized complaint by Sandy Aboulafia. MUR 5057 was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe Manny Weiss ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

NOW THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts and violations of law in this matter are as follows:

1. Dear for Congress, Inc. was the principal campaign committee of Noach Dear for his campaign for the Democratic nomination for the United States House of Representatives (New York 9th District) in the 1998 primary.

2. Abraham Roth is the Treasurer of Dear for Congress, Inc.

3. A contribution is a gift, subscription, loan, advance, deposit of money, or anything of value made by a person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A); 11 C.F.R. § 100.7(a)(1). A person is prohibited from making contributions to any candidate and his or her authorized political committees with respect to any election for federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

4. Respondent contributed an aggregate amount of \$5,000 to Dear for Congress, Inc. He contends that he believed, based on conversations with Dear for Congress staff, that this aggregate amount was permissible under federal law. Respondent contends he was solicited by the candidate personally. Respondent contends he had known the candidate in school, but they had not been in contact since that time. Respondent contends he was directed by the Dear campaign concerning how to make out his contribution check. He also contends that he relied on Dear for Congress to make any necessary decisions regarding the proper designation, reporting, or refund of the contribution if it was not permissible as contributed. Respondent contends that his contribution is the only federal political contribution he had ever made. He also contends that he was unfamiliar with the specifics of federal election law, which is why he relied upon the direction and presumed expertise of the Dear campaign.

5. Respondent contends he has since reviewed a summary of the relevant federal election laws and compliance guidelines to help him avoid any future misunderstandings. Dear for Congress refunded the excess \$4,000 to the Respondent.

V. The Respondent made an excessive contribution of \$4,000 to Dear for Congress, Inc. in violation of 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

VI. The Respondent will pay a civil penalty to the Federal Election Commission in the amount of \$900, pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may initiate a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties thereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.